



December 13, 2005

Representative Leon Drolet, Chairman
House Government Operations Committee
Michigan House of Representatives
Lansing, MI 48909

Dear Chairman Drolet:

Over the last few weeks, the House Government Operations Committee has held meetings in regard to the use of eminent domain. At the same time, the Michigan Senate has passed two measures, SJR E and Senate Bill 693, both of which would make changes regarding the use of eminent domain in our state. The purpose of this letter is to communicate to you the Michigan Municipal League's position on this important policy issue.


Since the beginning of this debate, the League has stated its support for a fair system that would preserve the rights of property owners while ensuring that communities across our state can use eminent domain in an equitable manner. Such a system is already set forth in a 2004 decision of the Michigan Supreme Court known as "*Hathcock*," which put in place greater protections for private property owners and very strict conditions under which eminent domain can be used. *Hathcock* essentially reversed the broader 1981 "*Poletown*" decision. We have clearly stated that codifying the *Hathcock* decision would set forth a level and fair playing field for both property owners and municipalities in the use of eminent domain.

Unfortunately, SJR E and Senate Bill 693 impose a much higher standard of proof when a municipality seeks to use eminent domain to remove blighted property. The "clear and convincing" standard that is proposed goes further than the current standard and will significantly damage the redevelopment efforts of communities across our state. Local communities play a key role in development efforts and the state should not restrict such opportunities at a time when Michigan is fighting for its economic survival.

As you consider these important measures before you, we ask that you provide for a fair and equitable system that balances private property owner protections with the ability of municipalities to improve local communities through blight removal.

Thank you for your consideration in this matter. We look forward to the opportunity to working with you on this issue.

Sincerely,


Arnold Weinfeld, Director
State and Federal Affairs

CC: House Government Operations Committee Members